

PATENT

Atty. Dkt. No. LAND/0006

**IN THE DRAWINGS:**

The attached sheets of drawings include changes to Fig. 1-3. These sheets have been amended in response to the Examiner's comments in the office action.

**Attachment: Replacement Sheets**

PATENT

Atty. Dkt. No. LAND/0006

**REMARKS**

This is intended as a full and complete response to the Office Action dated July 5, 2005, having a shortened statutory period for response set to expire on October 5, 2005. Claims 1-16 are pending in the application. Please reconsider the claims pending in the application for reasons discussed below.

Drawings

The Examiner objected to the drawings because the drawings contain textual description and explanations. In response, Applicant has amended the drawings accordingly. Applicant respectfully requests the objection to the drawings be removed.

Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 1-11 under 35 U.S.C. § 112, second paragraph, because the container limitation lacks antecedent basis. In response, Applicant has amended the claims accordingly. Thus, Applicant respectfully requests the rejection of the claims be removed.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claim 1 as being anticipated by *Donhauser* (U.S. 4,371,995). In response, Applicant has amended claim 1.

As amended, claim 1 includes the limitation of a planter container adapted to retain soil and the planter container includes a side and a sloped bottom, wherein the sloped bottom is configured to facilitate drainage from the planter container to a predetermined location. *Donhauser* does not disclose a planter container adapted to retain soil, wherein the planter container includes a sloped bottom configured to facilitate drainage from the planter container to a predetermined location. In contrast, the bottom of the planter container disclosed in *Donhauser* is flat or non-sloped. (See *Donhauser*, Figures 2 and 3). *Donhauser*, therefore fails to teach each and every limitation of claim 1 and this failure prevents *Donhauser* from anticipating claim 1. For this reason, Applicant submits that claim 1 is in condition for allowance and respectfully

Page 6

400889\_1

PATENT

Atty. Dkt. No. LAND/0006

requests withdrawal of the § 102(b) rejection. Additionally, claims 2-7 depend from amended claim 1, and they are allowable for at least the same reasons as amended claim 1.

#### Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claim 8 as being unpatentable over *Donhauser* as applied to claims 1-7 above. In response, Applicant has amended claim 8.

As amended, claim 8 includes the limitation of a planter container adapted to retain soil and having a side and a sloped bottom, wherein the sloped bottom is configured to facilitate drainage from the planter container to a location outside the planter container. As discussed above, *Donhauser* does not disclose a sloped bottom configured to facilitate drainage from the planter container to a location outside the planter container as clearly seen in Figures 2-3 of *Donhauser*. For this reason, *Donhauser* does not render claim 8 obvious. Applicant therefore submit that claim 8 is in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection. Additionally, claims 9-11 depend from amended claim 8 and they are allowable for at least the same reasons as amended claim 8.

#### New Claims

Claims 17-19 have been added to better define an aspect of the present invention. Applicant submits that no new matter was added. Claims 17-18 depend from claim 1 and claim 19 depends from claim 8 and they are allowable for at least the same reasons as claims 1 and 8.

#### Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a

PATENT

Atty. Dkt. No. LAND/0008

detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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